



Dominican Republic

Country Reports on Human Rights Practices - [2001](#)

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The Constitution provides for a popularly elected president and a bicameral Congress. President Hipolito Mejia of the Dominican Revolutionary Party (PRD) took office in August 2000 after a generally free and fair election, replacing President Leonel Fernandez of the Dominican Liberation Party (PLD). The PRD also has control of the Senate and Chamber of Deputies. The Constitution provides for an independent judiciary; however, interference from outside forces, including the executive branch, remains a problem.

The National Police (PN), the National Department of Investigations (DNI), the National Drug Control Directorate (DNCD), and the armed forces (army, air force, and navy) form the security forces. The military's domestic responsibilities include maintaining public order and protecting traffic, industry, commerce, persons, and property. The PN is under the Secretary of the Interior and Police; the military is under the Secretary of the Armed Forces; and the DNI and the DNCD, which have personnel from both the police and the military, report directly to the President. Although the security forces generally are responsive to civilian authority, there were instances in which members of the security forces, principally the National Police, acted independently of government authority or control. Members of the National Police, and to a lesser extent the military, continued to commit serious human rights abuses.

The country has a population of approximately 8.5 million. The economy, once heavily dependent on sugar and other agricultural exports, continues to diversify; tourism, telecommunications, and free trade zones (FTZ's) are major sources of income and employment. Remittances from abroad exceed \$1.9 billion per year. Economic growth, which exceeded 7 percent per year from 1996 through 2000, was projected to drop to approximately 3 percent for the year; however, inflation remained low and the exchange rate has been stable. The 1999 transfer of sugar mills to private control contributed to increasing poverty and joblessness in the "bateyes" (sugar cane shantytowns). Gross domestic product was approximately \$2,100 per capita. Income distribution in the country is highly skewed and, according to the U.N. Development Program, the richest 10 percent of the population receives over 37 percent of the income, over 18 times that received by the most impoverished 10 percent of the population.

The Government's human rights record was poor, and serious problems remain. Police committed extrajudicial killings. The police, and to a lesser degree the military, tortured, beat, and otherwise abused detainees and prisoners. The authorities rarely prosecuted abusers, and at times members of the security forces committed abuses with the tacit acquiescence of the civil authorities, leading to a climate of impunity. Police on several occasions used excessive force to disperse demonstrators. Prison conditions ranged from poor to harsh. Police arbitrarily arrested and detained suspects and suspects' relatives. While improvements in the efficiency of the judiciary continue, lengthy pretrial detention and long delays in trials remained problems. The Government referred several cases of police abuse to the civilian courts, instead of nontransparent proceedings in police courts. In December the Supreme Court ruled in one case that police officers charged in extrajudicial killings should stand trial in the civilian courts. The authorities infringed on citizens' privacy rights, and police entered private homes without judicial orders. Members of the President's security force mistreated journalists, and journalists at times practiced self-censorship. The Government restricted the movement of and forcibly expelled Haitian and Dominican-Haitian migrants. Violence and discrimination against women; prostitution, including child prostitution; abuse of children; discrimination against persons with disabilities; discrimination against and abuse of Haitian migrants and their descendants; and child labor were serious problems. There continued to be reports of forced labor. Workers on the sugar plantations and mills continued to work in unsafe conditions. Trafficking in persons was a serious problem.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

There were no reports of political killings by government officials; however, police committed over 250 extrajudicial killings.

It is difficult for any outside observer to quantify the exact number of victims of extrajudicial killings each year; included in this number are civilians who were killed in alleged "exchanges of gunfire" with police. The police failed to cooperate with civilian authorities in many ways, which made quantifying the problem very difficult. For example, the police did not provide Public Ministry officials with reports on investigations of citizens killed in confrontations with police; police rarely documented citizen killings in accordance with minimum investigation or crime scene standards; police denied civilian authorities, including prosecutors requesting information, transcripts of police court hearings that process these cases in secret (see Section 1.e.); and the police have been known publicly to fire officials involved in these incidents, only to reinstate them quietly later.

The Dominican Human Rights Committee and other observers state that the police employ unwarranted deadly force against criminal suspects in a kind of uniformed vigilantism, or in some cases because criminals refused to pay police "commissions" or bribes to ignore criminal activity. In addition, some victims are involved in private disputes with police agents, while other victims later were found to be honest citizens erroneously caught up in the wave of antigang violence carried out by the police. The circumstances of the vast majority of these killings are questionable, but witnesses other than the police usually are lacking. Police courts may try police officers or may remand them to civilian court jurisdiction; however, the police send very few cases to civilian courts (see Section 1.e.). Military courts try military personnel charged with extrajudicial killings or other crimes.

Extrajudicial killings stem from the lack of basic education, poor training, and weak discipline of the members of the police force. These problems are aggravated by low pay and the fact that the Government's budgetary allocation for the police is too low to support the higher recruiting standards needed and to provide adequate training for police. For example, new recruits fire only one round of ammunition during training, and there is no coherent policy on the use of deadly force or rules of engagement by the police. Additionally, the lack of professional, transparent, and credible investigation of the circumstances in which police kill citizens in "exchanges of gunfire" lead to widespread impunity for such killings. Finally, there is a lack of meaningful training in human rights as applied to police work.

In the majority of over 250 deaths at the hands of police, the police characterized the victims of police killings as delinquents. The rest were wives, girlfriends, other civilians, or fellow officers. In most cases, the police claimed that the deaths resulted from the exchange of gunfire in the course of an arrest. In 1999 the Inter-American Commission on Human Rights (IACHR) issued a report that criticized the police for committing extrajudicial killings and neglecting to investigate and punish officers responsible for such abuses. Police assert that the deaths of so-called delinquents resulted from shoot-outs requiring the police to act in self-defense. However, a number of cases demonstrate that this often is not the situation.

For example, on May 11, police allegedly shot 26-year-old Ruben Dario Paniagua in the head as he sat on the curb in front of his house reading the newspaper with his 10-year-old brother. Witnesses claimed that he was killed because he refused a police attempt to shake him down for money. His neighborhood, the El Capotillo barrio, extensively protested the shooting. On May 14, during a protest over Paniagua's killing, police confronted protesters, killing 37-year-old Jose Alejandro Moran and 16-year-old Marcos Ezequiel Olivares, and also wounding several other bystanders. Protests continued in Capotillo on May 16 and spread into the neighboring area called Villas Agricolas. President Mejia formed a committee led by the head of the Armed Forces to investigate the deaths. The authorities arrested two police officers, Franklin Tejada Tejada and Carlos Miguel Feliz Mateo, for shooting Paniagua. The police claimed that the two other individuals killed during the protests were not killed by members of the National Police, but by a civilian, Hector Bienvenido Cross, whom they alleged was a neighborhood agitator. Community leaders charged that six police officers were involved in the shootings and that Cross was connected to the police. Cross later said that he worked for the police; however, an investigation showed that the bullet found in one of the victims did not come from Cross's gun. The authorities subsequently arrested two additional police officers, Ivan Andres Duran and Wellington Gabriel Carrasco, and a member of the armed forces, Warren Antonio Matos. In September an instruction judge sent Cross, Tejada, Mateo, and Matos to be tried in a civilian criminal court, which they appealed. In December the appeals court confirmed that they would be tried in a civilian criminal court. At year's end, no trial date had been set; the authorities released the other persons detained in connection with this case.

On June 11, a police officer in La Romana shot and killed 37-year-old Carmelo del Rosario in front of his wife

and children. Del Rosario had criticized the officer for nearly hitting his small daughter with his car. In response, the officer reportedly pulled out a gun and shot him. The officer said that his actions were in self-defense, but witnesses denied that Carmelo attacked the officer. The officer was removed from duty, and the case was sent to the civilian courts.

On July 5, police shot and killed a university student, Wendy Altagracia Gatón Tejada, in the Santo Domingo neighborhood of Herrera during a protest. One officer involved in the case was sent to civilian court, but by year's end, the instruction judge had not ruled on whether the case should go to trial. Three other officers were sent to the military court; there was no public information regarding the status of their cases.

During the evening of September 29, in the neighborhood of Villa Francisca, police Private Francisco Reyes Santana, known as "Tyson," shot and killed 18-year-old Pedro Manuel Contreras, known as "Moreno." Witnesses stated that Tyson and four other police officers broke down the door to the house and chased Contreras to the street where he was shot at pointblank range. Contreras had been in prison before and had reported problems with Tyson since his release. Contreras's brother claimed to have been detained and tortured by officers searching for his brother prior to his brother's death. Neighbors stated that Tyson, Sergeant Medina Medina, and one other police officer often extorted money from Contreras and other youths in the barrio. Tyson reportedly had been sent to police courts seven previous times. According to police, Tyson and Sergeant Medina Medina were taken into custody, and the authorities named a commission to investigate the incident. The commission recommended that the officers be tried in police court. However, the District Attorney began proceedings to have Tyson and Medina charged in civilian courts. When the police refused to allow them to be tried in civilian courts, the Attorney General asked the Supreme Court to determine whether the police court or a civilian court was the proper forum for this case. On December 28, the Supreme Court ruled that the case was to be tried in a civilian court, stating that cases involving charges other than disciplinary matters should be tried in civilian courts.

According to nongovernmental organizations (NGO's) active along the border, the number of Haitian migrants killed by military personnel while attempting to enter the country was significantly less than in 2000. However, there were a few reported deaths. For example, in March a soldier shot and killed Elie-Jean Baptiste while the victim was attempting to cross the Massacre River from Haiti to participate in the market in Dajabón. Baptiste was at a spot where soldiers allow unofficial crossing for a cost of approximately \$0.60 cents (10 pesos). A soldier demanded that he pay closer to \$0.90 (15 pesos). When Baptiste refused and attempted to return to Haiti, he was shot in the back. According to NGO's, the officer involved was not punished.

The Mejía administration acknowledged the problems with the police apparatus and created a Police Reform Commission made up of the Chief of Police, the Attorney General, the Secretary of the Armed Forces, the Legal Advisor to the President, representatives of human rights organizations, and legislators. That commission developed legislation to modify the existing Police Law. The Chamber of Deputies modified the draft bill, which included suggestions from civil society, to limit use of police courts to cases of disciplinary actions and to eliminate the military ranks of the police. Due to controversy over these changes, the draft legislation remained pending in the Congress at year's end.

In several neighborhoods in Santo Domingo, civil society held protests against police violence (see Section 2.b.).

State agents in prisons also committed extrajudicial killings. In the army-run prison in San Pedro de Macorís, at least six prisoners died from injuries received while in custody. In September Martín Jimenes Mateo was shot and killed in what the authorities characterized as an escape attempt. There also were a number of deaths in prisons due to harsh conditions and official negligence (see Section 1.c.).

There were no developments in the cases of the police officers involved in the killing of Johnny Perdomo Santo in November 2000, Emilio José Matías and Lauri Méndez Sena in September 2000, the 30-year-old Haitian killed in August 2000, the six Haitians and one Dominican shot in July 2000, the killing of Juan Expedito García in July 2000, the killing of Juan José Urena in July 2000, or the killing of Antonio Lora Fernández in April 2000.

According to human rights groups, in the 2000 case involving three individuals shot in Najayo Prison in San Cristóbal, the officers involved never were tried in either a police or a civilian court. In the 1999 case in which the authorities arrested a general, a colonel, a legal consultant, and various police officers in connection with the deaths of three alleged delinquents in Moca, all were released without going to trial. The colonel subsequently was promoted.

Retired General Joaquín Pou Castro, former air force officer Mariano Cabrera Durán, and Luis Emilio de la Rosa Beras, convicted of the 1975 murder of journalist Orlando Martínez Howley, a critic of the Balaguer administration, appealed their 30-year sentences imposed in 2000. A fourth defendant, General Lluberas

Montas, who was not tried with the others for health reasons, was supposed to be tried in the Tenth Penal Court. He had eight hearings scheduled during the year, all of which were postponed because he failed to appear.

b. Disappearance

There were no reports of politically motivated disappearances.

An instruction judge sent former Secretary of the Armed Forces Constantino Matos Villanueva to a criminal court in the case of Narciso Gonzalez, a university professor and critic of the Balaguer Government who disappeared in May 1994. The judge excluded two others, General Leonardo A. de Jesus Reyes Bencosme and Air Force Colonel Manuel Concepcion Perez Volquez, from the case, although in October the victim's family appealed this decision. There was no action during the year on the family's complaint to the IACHR.

c. Torture and Other Cruel, Inhuman, or Degrading

Treatment or Punishment

The Constitution and the law prohibit torture and other forms of physical abuse; however, security force personnel continue to torture, beat, and otherwise physically abuse detainees and prisoners. Lack of supervision, training, and accountability throughout the law enforcement and corrections systems exacerbate the problem of physical abuse. Human rights groups and the local press reported regular and repeated occurrences of physical abuse of detainees while in custody, including various forms of torture, beatings, and sexual abuse.

According to human rights organizations, the National Police, the DNCD, and prison officials all use forms of torture. The method most often used is beating. Other forms include asphyxiation with plastic bags to elicit confessions, and a torture method called "roasting the chicken" in which the victim is placed over hot coals and turned until confessing. After several former detainees went to the press in 1999 with credible reports that police interrogators had beaten them repeatedly, the Chief of Police and the Attorney General designated a commission to investigate this case. The beatings allegedly took place during periods of detention of up to 15 days without arraignment before a judge, although the Constitution permits only 48 hours of detention (see Section 1.d.). The informants reported that the police repeatedly awoke them during the night for questioning. Human rights advocates have described another form of abuse that guards reportedly use against prisoners in the Mexico section of San Pedro de Macoris prison. Prison officials use a punishment called "the toaster," where prisoners are laid, shackled hand and foot, on a bed of hot asphalt for the entire day and are beaten with a club if they scream. The army administers San Pedro de Macoris prison. In Barahona police were described as using a practice called "golpe de pollo" in which they beat a person's ears until they bleed.

Homosexual and transvestite detainees report to gay rights advocates that during detention the police have held them in a darkened room and have given them the alternative of performing fellatio on guards or being placed in a locked cell with the most dangerous prisoners, where the detainees presumed that they would be raped, beaten, or both. Other informants confirmed that the police use the prospect of being locked in with the most dangerous prisoners as a threat.

The three officers accused of being involved in June 2000 of torture and abuse of at least nine minors in the National District have not been tried by the police courts or the civil courts. An investigative judge in the Eighth Penal Court, who was assigned to investigate the case in the civilian courts, ruled that the court did not have jurisdiction over a police matter. The police court took no action.

In August 2000, judges of the Appeals Court for Children and Adolescents in San Pedro de Macoris made public a set of allegations of similar abuses committed against 19 minors in police stations in Juan Dolio and Boca Chica, as well as in the General Pedro Santana public jail, which is controlled by the army. During the year, there was no investigation into these alleged abuses by the police or the military.

The National District Prosecutor's office did not expand its program of placing lawyers in high-volume police stations and in several DNCD offices to monitor the investigative process and to ensure that detainees' rights were respected (see Section 1.d.). This initiative remained largely limited to the Santo Domingo metropolitan area, with a lesser presence in Santiago. There is some evidence that these assistant prosecutors at times acquiesce in traditional police practices, rather than attempt to raise these practices to constitutional standards. Less qualified prosecutors assigned to the rest of the country have not assumed strong roles in managing criminal investigations and ensuring the rights of suspects.

Civilian prosecutors sometimes file charges against police and military officials alleging torture, physical abuse, and related crimes. A 1997 law provides penalties for torture and physical abuse, including sentences of from 10 to 15 years in prison. However, until recently, these provisions were not known fully or applied by prosecutors and judges. There have been repeated calls by human rights groups for civilian trials of officials charged with abuse and torture; however, most cases, if tried at all, are sent to military courts or police courts (see Section 1.e.).

The police at times forcibly dispersed demonstrators, using tear gas and weapons; one protest led to two deaths (see Sections 1.a., 2.b., and 6.b.).

During the year, the authorities dismissed 134 immigration employees for links with smuggling groups (see Section 6.f.).

Police officers also were fired for violent attacks, extortion, and drug use, including cocaine and marijuana. However, some discharged officers later were rehired. Significant problems also remain because serious efforts have not been made to vet police recruits. Many persons with prior criminal records reportedly have been incorporated into police ranks, either using false names or identification or with recommendations from other state institutions, such as the army.

Human rights courses are offered in the training curriculums for military and DNCD enlisted personnel and officers, although the courses are optional. In August the Military Institute of Human Rights offered its first diploma course in Human Rights. However, monitoring and sanctioning systems for abuses of human rights remain ineffective.

Prison conditions range from poor to harsh. Reports of torture and mistreatment in prisons are common. The prisons are seriously overcrowded, health and sanitary conditions are poor, and some prisons are out of the control of the authorities. The General Directorate of Prisons falls under the authority of the Public Ministry and is seriously underfunded. Budget allocations for necessities such as food, medicines, and transportation were insufficient. Prisoners and human rights groups also allege that prisoners are not taken to their trials if they fail to pay bribes to the guards (see Sections 1.d. and 1.e.). Medical care in all prisons suffers from a lack of supplies and available physicians. Prisoners immobilized by and dying of AIDS are not transferred to a hospital, but some terminal-stage inmates were released to spend their last days at home. Pretrial detainees are held together with convicted prisoners. Inmates are not separated by crime within the prison population; however, they may be put into solitary confinement for disturbances while incarcerated.

In 32 prisons around the country with a total capacity of 9,000 persons, the police and the military hold more than 15,500 prisoners and detainees. As of September, the military controlled 22 prisons with a total of 5,069 prisoners, and the National Police controlled 10 prisons, with a total of 10,486 inmates. A warden is responsible for running each prison and reports to the Attorney General through the Directorate of Prisons. A police or military colonel (or lieutenant colonel), who is appointed for 3 to 6 months only, reports to the warden and is responsible for providing security. However, in practice the colonel is in charge of the prison, and neither the Directorate of Prisons nor the individual wardens have much power. Some prisons are totally out of the control of the authorities. They are, in effect, operated by armed inmates, who decide whether an individual gets food, space to sleep, or medical care. Individual inmates only can secure a tolerable level of existence by paying for it. Only those with considerable personal or family resources can do so.

Newspapers and human rights groups reported that the overcrowding and deteriorating conditions at the Najayo prison, administered by the police, pose a serious threat to the health and safety of the inmates. The prison, which initially was built to hold 850 inmates and has a capacity for 1,320 inmates, holds over 2,849 persons. Inmates suffer from various illnesses including tuberculosis, bronchitis, and skin infections. Inmates who cannot afford to pay for beds are forced to sleep on the floor; these inmates are known as "frogs" because they sleep in the dirt. Inmates charge that they are only given one meal per day and that the food is inedible. In order to receive edible food, they must pay for it to be brought into the prison. Newspapers and human rights groups report that there is extensive drug and arms trafficking within the prisons, as well as prostitution and sexual abuse, including abuse of minors.

Conditions at La Victoria prison, which is also run by the police, also pose a serious threat to life and health. In September this prison held 3,886 prisoners in a facility originally built for 1,000, but which prison authorities claim has the capacity for 2,000. In August work was completed on improvements to La Victoria, including the addition of 180 beds and renovation of the sewer system.

A government food program for the general public is used to provide lunches at some prisons. The former Director of Prisons reported that his office had a budget of \$0.50 (8 pesos) per inmate to provide three meals per day. Inmates surveyed said that the food provided was unacceptable, and most chose to eat whatever they

could beg for or purchase from persons in the vicinity of the prison or from family members. Due to inefficiency and corruption within the prison system, visitors often have to bribe prison guards in order to visit prisoners.

Female prisoners are separated from male inmates. In general, conditions in the female prison wings are better than those found in male prison wings. There have been some reports of guards physically and sexually abusing female inmates. There were also reports that in the Najayo prison, guards forced women to act as prostitutes in exchange for food and protection. Female inmates, unlike their male counterparts, are prohibited from receiving conjugal visits. Those who deliver while incarcerated are permitted to keep their babies with them in prison until they reach 1 year of age.

The law requires that juveniles be detained separately from adults; however, in practice juveniles often are mixed with the general population. The authorities sometimes treated minors as adults--most often when physical forensic examinations indicated that the persons claiming to be minors were probably adults--and incarcerated them in prison rather than juvenile detention centers. Press reports found a high incidence of juveniles who were detained with adult prisoners being forced into sexual servitude in return for protection at prisons around the country. Human rights groups charged that nearly all of the 280 juveniles in Najayo prison who were housed with adults were abused sexually. In July after much delay, a new prison for minors was opened in Najayo, with a capacity of 200 persons. In December human rights groups charged that guards and prison staff continued to abuse minors in the new wing.

The Government permits prison visits by independent human rights monitors and by the press.

d. Arbitrary Arrest, Detention, or Exile

Arbitrary arrest and detention are problems. The Constitution provides for the security of the individual against imprisonment without legal process, bars detention beyond 48 hours without the detainee being presented before judicial authorities, and prohibits custodial authorities from not presenting detainees when requested. It also provides for recourse to habeas corpus proceedings to request the release of those unlawfully held. However, the security forces continued to violate constitutional provisions by detaining suspects for investigation or interrogation beyond the prescribed 48-hour limit. The police traditionally detain all suspects and witnesses in a crime and use the investigative process to determine who are innocent and merit release, and who they should continue to hold. After the prosecutor's office placed its lawyers in several police stations in 1997, the police began to curtail the practice of arbitrary detention in those precincts. However, during the year, few new prosecutors were placed in police stations, and the effectiveness against human rights abuses of those working in police stations diminished (see Section 1.c.).

The prosecutor for the Court of Appeals in Santiago continued to report that the Department of Investigation of Homicide and Robbery of the National Police, Northern Command, routinely detained persons beyond the 48-hour limit. Detainees at police headquarters in Santo Domingo, known as "the palace," reported that they were held for 15 to 21 days. Juveniles held at the Department for Minors at the Villa Juana police station commonly are held for 8 to 14 days, well beyond the 24-hour limit for minors. The official in charge of the Department for Minors attributes this to lack of swift action by the Juvenile Defender, the Public Ministry official in charge of interrogating minors and sending them before a Juvenile Court judge. By law, juveniles may not be interrogated by the police or in the presence of police.

The police continued the practice of making frequent sweeps or roundups in low-income, high-crime communities in which they arrest and detain individuals arbitrarily. The alleged objective of the roundups is to fight delinquency. In June the police initiated "Operation Guaraguao," a series of sweeps of low-income neighborhoods in Santo Domingo, Santiago, and La Vega, in order to "combat violence." During these sweeps, police arrested large numbers of residents of the low-income communities and seized property including motorcycles, other vehicles, and weapons. For example, on August 29, during the seventh such operation, the police arrested over 230 persons. The armed forces also carried out similar sweeps. On July 14, the armed forces carried out "Operation Centella" in which they closed down all major routes into Santo Domingo, searched cars for weapons and drugs, and detained individuals thought to be criminals.

Following the indiscriminate arrests, the police regularly detain individuals for up to 20 days or more while they look for a reason to charge them with a crime, even though the law permits prosecutors only to order detentions for up to 48 hours without a judge's order. Human rights organizations report that individuals detained in these roundups frequently are beaten. For example, the police detained and beat a member of the Barahona Commission for Human Rights during one such sweep in February. The police say that they rely upon unlawful detention without presentation to a court because some cases involve more complicated investigations. However, there is a clear pattern of the police arresting individuals before investigating a crime thoroughly, and relying on confessions to make their case. Without the education, training, or equipment to conduct modern forensic investigations, police rely instead on holding suspects incommunicado, repeatedly

questioning them, and sometimes beating them, until they confess (see Section 1.c.).

A related problem is the police practice of arresting and detaining individuals solely because of their familial or marital relationship to a suspect. A suspect's parents, siblings, or spouse are all vulnerable to this practice, the goal of which is to compel an at-large suspect to surrender or to coerce a confession from one already arrested. In 1999 the National Police Chief ordered that this practice be ended immediately; however, according to the Dominican Human Rights Committee, detentions of suspects' relatives have continued.

Local human rights organizations have reported on and criticized police roundups of Haitian and Dominican-Haitian construction workers. Officials allegedly take groups of dark-skinned or "Haitian-looking" individuals to empty buildings soon after they are paid, in order to extort money from them. In April the authorities detained hundreds of Haitians after a rumor spread that some Haitian youths had burned a Dominican flag in La Romana. Many were beaten and later deported, and there was a wave of general violence directed toward Haitians (see Section 5).

Many suspects suffer long pretrial detention. Between 70 and 85 percent of the national prison population was awaiting trial; of these, about three-quarters were "prisoners without sentences," and the remainder had convictions under appeal. Judicial statistics showed reduced delays for 1998 and 1999 in the Santo Domingo National District (an area that accounts for approximately 45 percent of all criminal cases in the country); however, delays have increased over the last 2 years. The average pretrial detention throughout the country is more than 6 months. Time already served counts toward a sentence.

The failure of prison authorities to produce the accused for court hearings was more pronounced during the year and caused a significant percentage of trial postponements (see Section 1.e.). Prisoners often have their court dates postponed because they are not taken from the prison to court, or because their lawyer or witness does not appear. The authorities held some prisoners even though there were no formal charges against them and kept some prisoners jailed even after a court ordered their release; for example, a prisoner in Najayo said that he had been in prison for 5 years without being sentenced. In 1999 and 2000, this situation improved somewhat as a result of the steps taken by the former Santo Domingo District Attorney and the judiciary, in cooperation with the Director of Prisons, to introduce a prisoner registry system that focuses on providing timely trials for prisoners. However, in view of the deterioration during the year, in October the Attorney General announced the formation of a commission to investigate this problem.

In October 2000, the Attorney General proposed a program to reduce prison crowding by releasing inmates who only were held pending payment of a fine. Due to the historical inefficiency of the courts (see Section 1.e.), the granting of bail serves as the de facto criminal justice system and defendants awarded bail rarely face an actual trial. As a rule, few defendants are granted bail. Large numbers of prisoners generally are pardoned on August 16 and at the end of the year. In August the authorities pardoned 212 prisoners, and they pardoned 162 prisoners in December.

Most detainees and prisoners cannot afford adequate defense services. A draft bill to create a national public defender program remained in Congress; however, President Mejia established a national public defender system by decree. The Mejia administration made modest advances to increase the availability of free legal services to the poor by increasing the number of state-funded public defenders from 31 to 45 and increasing the number of regional public defender officers from 2 to 5.

The judicial system sometimes fails to protect the status of minors in criminal cases (see Sections 1.c. and 5).

The law prohibits forced exile, and there were no reports of its use. However, persons who credibly asserted that they were citizens sometimes were expelled to Haiti (see Sections 1.f. and 2.d.).

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary; however, attempts by public and private entities, including the executive branch, to undermine judicial independence persisted. The judiciary has received training funded by foreign technical assistance in order to improve its ability to resist such outside interference, but influence is still a problem. Court officials also began to implement new selection criteria for judges.

The National Council of Magistrates (CNM), which consists of the President, the President of the Senate, the President of the Chamber of Deputies, two at-large members designated by them (one Senator and one Deputy, from parties different than those of the presidents of the Senate and Chamber), the President of the Supreme Court, and one other justice designated by the Supreme Court, chooses members of the Supreme Court. During the year, the CNM met for only the second time since it was established in 1994 to fill three

vacant seats on the Supreme Court. However, the selection process followed by the CNM was less rigorous, transparent, and participatory than the process conducted in 1997, leading civil society groups to assert that they had not been afforded an adequate opportunity to participate in the process; they did not know in advance who the candidates were, and they were not given the opportunity to comment on their qualifications.

The judiciary includes a 16-member Supreme Court, appeals courts, courts of first instance, and justices of the peace. There are also specialized courts that handle administrative, labor, land, and juvenile matters. Under the 1994 constitutional amendments, the Supreme Court is responsible for naming all lower court judges in accordance with a judicial career law. The Government established 8 of the 25 additional courts provided for by law, including 5 courts for children and adolescents.

Military or police courts have jurisdiction over cases involving members of the security forces. These courts, while functioning similarly to criminal courts, have judges and prosecutors who are military or police officers, and the results generally are not made public. Decisions may be appealed, including to the Supreme Court. Police courts may try police officers or may remand them to civilian court jurisdiction. Military courts try military personnel charged with extrajudicial killings or other crimes. Police Chief Pedro de Jesus Candelier stated that every time an officer is involved in a questionable incident, the case goes to a police commission of superior officers for investigation. He said that if it is determined that the police officer exceeded his authority, the case is sent to the police courts or to the civilian courts, depending on the severity of the offense. However, in the over 250 extrajudicial killings committed during 2000, fewer than 10 officers have been sent to the civilian courts (see Section 1.a.). Although the police send very few cases to civilian courts, as a result of requests from the former Attorney General, District Attorney, and Justice Reform Commissioner, several officers were sent to the civilian courts in high-profile cases.

In September 2000, six civil society groups submitted an "Act of Unconstitutionality" to the Supreme Court on the issue of the legality of Law 285, which encompasses the Code of Police Justice. Civil society groups argue that police courts violate the Constitution, and that they weaken the separation and independence of governmental functions, as well as the exclusivity of the judicial function in the administration of justice. The lawsuit asks the court to rule on the constitutionality of these police courts; a decision still was pending at year's end. However, in one case, in December the Supreme Court stated that in peacetime, criminal police cases should be tried in civilian courts (see Section 1.a.).

Public pressure exists for military or police boards to remand cases involving serious crimes to civilian courts jurisdiction; however, few cases were remanded during the year. In other cases, civil authorities have requested that the police turn over their files so that cases of suspected extrajudicial killings might be evaluated independently for possible prosecution. There was little cooperation from the National Police or military in requested investigations during the year (see Section 1.c.).

The judicial system is based primarily on the Napoleonic Code. Judges, rather than juries, render all verdicts. Following the commission of a crime, the criminal process begins with the arrest of possible suspects. During the investigative phase, suspects are questioned repeatedly and urged to confess. Sometimes they are beaten to coerce confessions (see Section 1.c.). The Constitution provides for the right not to be arrested without judicial warrant except in cases where the suspect is caught in the act; the right not to be deprived of liberty without trial or legal formalities, or for reasons other than those provided by law; the right to be presented to a competent judicial authority within 48 hours of one's detention (see Section 1.d.); the right not to be a witness against oneself; and the right to a defense in an impartial and public trial. The authorities commonly violate these rights.

The most serious and common violation of these rights occurs when police detain suspects, sometimes for many days, without allowing them access to a telephone to call family while subjecting them to frequent questioning (see Section 1.d.). Although accused persons are entitled to have an attorney present, they often are not permitted to call one or, if one arrives, the attorney is not permitted to be present during the questioning. (The police complain that the presence of attorneys interferes with their investigations.) Torture frequently is used to coerce a confession during questioning (see Section 1.c.). Under these circumstances, suspects may confess to acts that they did not commit merely to get relief from the intense questioning and the detention. The results of these interrogations frequently form the only evidence presented at the trial.

The law provides for the remedy of "amparo," an action any citizen may bring for violation of a constitutional right, including violations by judicial officials, in accordance with the terms of the American Convention on Human Rights. The process of dispute resolution, including reconciliation, mediation, and arbitration, continues to be used as an alternative to trial and incarceration.

A large backlog of criminal cases remains in the National District and throughout the country. The Supreme Court's plans to unclog the court dockets have been frustrated by the Government's failure to allocate sufficient

funds. Dockets are crowded with traffic infractions that should be heard in the traffic courts provided for by statute. Due to a lack of funds, the traffic courts have not been established. Other complications in clearing the backlog arise from the exhaustion of funds for transporting prisoners to court. Prisoners and human rights groups also allege that prisoners are not taken to their trials if they fail to pay bribes to the guards (see Section 1.d.). Many cases must be rescheduled when the accused does not appear. The Government has established 8 of the 15 additional courts provided for by law, including 5 courts for women and children.

Joint reform efforts between the judiciary and the Santo Domingo district attorney's office stalled during the year. While in 2000 the congestion in the criminal system was reduced by more than 50 percent through use of community conciliation centers, those gains largely were lost during the year. It is clear that the change of 90 percent of Public Ministry officials by the Mejia administration in August 2000 resulted in a marked deterioration of the technical competence and ethical standards of prosecutors around the country. The practical effect has been a decrease in the ability to combat impunity and a deterioration in the quality of justice available to the poor.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution contains provisions against arbitrary entrance into one's home; however, police sometimes break into private quarters without cause to search for suspects, and the authorities infringe on citizens' privacy rights in other ways as well. Although the Government denies arbitrary use of wiretapping or other surreptitious methods to interfere with the private lives of persons or families, it has not taken necessary steps to dismantle an active private wiretapping industry.

The law permits the arrest of a suspect caught in the act of committing a crime, and police may enter a residence or business while in hot pursuit of such suspects. Otherwise, judges must authorize arrests and issue search warrants. However, the police continued to violate these requirements. Some prosecutors confessed that out of "tactical necessity to combat criminality" and "with great reluctance," they tolerated the illegal search practices. They justified their actions by arguing that the Government has not provided sufficient resources or attention to criminal investigation and that, given the cumbersome and antiquated criminal procedures, adhering to the letter of the law would make law enforcement nearly impossible.

The Dominican Human Rights Committee reported that police carried out raids on private homes in the Santo Domingo neighborhoods of Capotillo, Gualey, Guandules, Guachupita, Los Alcarrizos, and La Zurza; police allegedly went into homes without search warrants to look for delinquents.

The police continued to detain relatives and friends of suspects to try to compel suspects to surrender or to confess (see Section 1.d.).

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The law provides for freedom of speech and of the press, and the Government generally respects them in practice; however, there were some isolated exceptions.

Although citizens of all political persuasions generally exercise unhindered freedom of speech, on occasion police took action to restrict it. For example, in July police flew a helicopter to Barahona to pick up an outspoken critic of a government aqueduct project. The police detained him without charges for 48 hours before releasing him. During the National Book Fair, a booth run by a gay and lesbian group was shut down because its safe sex materials were deemed to be "pornographic." The booth reopened after the group agreed not to distribute the safe sex literature.

Newspapers and magazines freely present a diversity of opinion and criticism; there are eight daily and seven weekly newspapers, and three weekly magazines. However, journalists and editors at times practice self-censorship, particularly when coverage could adversely affect the economic or political interests of media owners. Numerous privately owned radio and television stations broadcast all political points of view. The Government controls one television station.

The National Union of Press Workers reported isolated instances of mistreatment of members of the press. For example, in March the head of the president's security team reportedly threatened three members of the press

in Higüey. In July the authorities detained Esteban Rosario, producer of the program "Detras de la Verdad" and accused him of sexually assaulting a minor. Rosario claimed that the charges were brought to intimidate him. The Nation Union of Press Workers marched in protest of his treatment, and he was released.

The Government does not restrict access to the Internet.

Public and private universities enjoy broad academic freedom. The main public university, the Autonomous University of Santo Domingo, with approximately 100,000 mostly part-time students, has few restrictions on enrollment and maintains a policy of nonintervention (other than on curriculum development) in classroom affairs. The Government exerts no control over private universities, except for the preservation of standards, and teachers are free to espouse their own theories without government oversight.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly, and the Government generally respects this right in practice; however, there were some exceptions, and the Government at times restricted this right. Outdoor public marches and meetings require permits, which the Government usually grants; however, the police used force to break up demonstrations on several occasions throughout the year, sometimes resulting in deaths and injuries. The Government responded with force to disperse demonstrators calling for completion of public works projects, opposing evictions, opposing blackouts, supporting a strike, and calling for the removal of Police Chief Candelier, in several neighborhoods in Santo Domingo--Capotillo, Villas Agrícolas, and La Zurza. One protest in Capotillo against a killing in that neighborhood led to two deaths during the protest (see Section 1.a.).

News reports and human rights organizations criticized the manner in which police used force to disperse demonstrators during a march of the Dominican Medical Association (AMD) in February. The AMD had permission from the Secretary of Interior to march against proposed social security legislation. When the group attempted to leave the area, police fired tear gas and rubber bullets, wounding 10 physicians. The AMD sent a report on the incident to the President and received an apology; none of the officers involved were disciplined.

According to the Dominican Human Rights Committee, the police on several other occasions used force to remove squatters from state-owned lands in and near Santo Domingo.

The Constitution provides for freedom of association, and the Government generally respects this right in practice. Political parties frequently affiliate with their foreign counterpart organizations. Professional organizations of lawyers, doctors, teachers, and others function freely and can maintain relationships with counterpart organizations.

c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respects this right in practice. The Constitution prohibits discrimination on religious grounds, and many religions and denominations are active.

The Catholic Church, which signed a concordat with the Government in 1954, enjoys special privileges not extended to other religions. These include the use of public funds to underwrite some church expenses, such as rehabilitation of church facilities, and a complete waiver of customs duties when importing goods into the country. Attendance at Catholic Mass is compulsory for members of the National Police.

d. Freedom of Movement within the Country, Foreign

Travel, Emigration, and Repatriation

The Constitution provides for freedom of travel, except for limitations imposed under judicial sentence, or police regulations for immigration and health reasons, and the Government generally respects these provisions in practice; however, there were some exceptions. Citizens face no unusual legal restrictions on travel within or outside the country. The police occasionally blocked roads to search cars for weapons and drugs (see Section 1.d.). Local and international human rights groups cited discrimination against Haitian migrants, whom they said were subject to arbitrary and unilateral action by the authorities. The military and police reportedly killed some migrants attempting to enter the country (see Section 1.a.).

Haitians continue to migrate in great numbers to the Dominican Republic, some legally but most without legal

documents, in search of economic opportunity. Some illegal migration is assisted by the authorities, especially by police and military in the border areas, who profit from it. Throughout the year, the security forces, particularly the army, repatriated undocumented Haitian nationals believed to be in the country illegally, although in significantly lower numbers than in 2000. In December the Directorate of Migration reported that it had repatriated 9,047 Haitians during the year. In addition, the armed forces carried out massive repatriations at the beginning of the year and claimed to have repatriated around 12,000 Haitians per month in the first 3 months of the year.

In some cases, the Government denied those deported the opportunity to demonstrate that they were legal residents in the country or to make arrangements for their families or property. Haitian Government officials complained that Haitians often were detained with little or no food and then deported without timely notice to the Haitian authorities. Human rights organizations and the media continued to report instances of violent treatment of Haitian migrants by the authorities, including one killing (see Section 1.a.).

In March 2000, the IACHR held a hearing in two 1997 cases of two Dominican-born children who have been denied birth registrations. The mothers of both children are Dominican citizens of Haitian descent; the legal issue is the denial of the right to register a late declaration of birth. The cases still were pending at year's end.

In August 2000, the Inter-American Court of Human Rights heard a case presented by human rights organizations, alleging that massive expulsions, repatriations, and deportations of Haitians and Dominican-Haitians by the Government violated international human rights law. The Court's decision called for "provisional measures" for the future treatment of Haitians, and requested that the Government provide more detailed information about the condition of individuals in the border shantytowns who potentially are subject to forced expulsions. It also asked for a government report every 2 months on provisional measures that were expected to be adopted to comply with the Court's decision.

The ongoing process of repatriating Haitian citizens did not diminish after the Court's decision and continued in large numbers until May, when it slowed due to an informal agreement between the Government and the Haitian Government. NGO representatives working in rural areas reported that decisions to deport often were made by lower ranking members of the security forces, sometimes based upon the racial characteristics of the deportees. The process of rounding up illegal Haitians is performed by the rank and file of the armed forces and migration officers. They approach persons who look like Haitians, including persons who have very dark complexions and fairly poor clothing. They engage them in conversation about their work and residence, mainly to check their use of Spanish and any accent they may have. If such persons speak Spanish poorly or with a noticeable accent, they generally are detained and deported.

NGO's and Catholic priests familiar with the process also have protested that children born of Haitian parents in the Dominican Republic, generally denied registration as citizens, frequently are among those deported as illegal Haitians (see Section 5).

While the Government has a policy of strictly enforcing documentary requirements and repatriation for those found lacking, it appears to have an unofficial policy that is more tolerant, which is fueled by the reality of dependence on Haitian labor for certain agricultural and construction work. Thus, after being stopped as a suspected illegal Haitian migrant, an individual may be allowed to remain in the country despite lack of documentation if the story about work satisfies the official. NGO's have reported corruption among the military and migration border officials, and noted that these officials sometimes allow the transit of Haitian workers into the country.

The Government cooperates with the office of the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees. The Government provides first asylum and resettlement. According to a 1984 presidential decree, an applicant for refugee status must be referred to the Technical Subcommittee of the National Commission for Refugees by the National Office of Refugee Affairs. The subcommittee, which makes a recommendation to the commission, is made up of members from the Foreign Ministry, the DNI, and the Immigration Directorate. The commission, which makes a final decision on the application, consists of the three members of the subcommittee; the legal advisor to the President; and members of the National Police, the Ministry of Labor, and the Attorney General's office.

At year's end, over 70 applications for refugee status had been filed with the Office of Refugees in the Department of Migration; the majority of which were filed by Haitians. In July the National Commission for Refugees met for the first time since 1993. The National Commission reviewed over 65 cases but did not make any decisions on pending refugee cases.

There were no reports of the forced return of persons to a country where they feared persecution.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully through periodic elections. Citizens exercised this right in generally free and fair presidential elections in May 2000.

The President and all 179 members of the Senate and the Chamber of Deputies are elected freely every 4 years by secret ballot. In January the creation of a new province, San Jose de Ocoa, went into effect. The new province will have representation in Congress starting with the May 2002 elections. There is universal adult suffrage; however, active duty police and military personnel may not vote. Voting is restricted to those who can document nationality. The Central Electoral Board conducts all elections.

Congress provides an open forum for the free exchange of views and debate. The main opposition party is the PLD, which holds 4 of 30 seats in the upper house and 49 of 149 seats in the lower house. A third major party, the PRSC of former President Balaguer, contests all elections; various smaller parties are certified to contest provincial and national elections.

During the year, the National Congress considered constitutional reform legislation. On December 23, the Chamber of Deputies approved a measure that would allow presidential reelection (a provision that was abolished following then-President Joaquin Balaguer's disputed reelection in 1994) and would extend the term of the incumbent legislature for 2 years until 2004. The Senate approved the measure the following day. At year's end, these proposals were to be considered by a special National Constitutional Assembly, to be convened within 15 days after the legislation was approved. However, the Supreme Court, ruling on a challenge to the legislation brought by President Mejia, declared the legislation unconstitutional on a technicality, which essentially forced the Congress to start the process over.

The nation has a functioning multiparty system. Opposition groups of the left, right, and center operate openly. The President often dominates public policy formulation and implementation. He can exercise his authority through the use of the veto, discretion to act by decree, and influence as the leader of his party. Traditionally, the President has predominant power in the Government, effectively making many important decisions by decree. The President appoints the governors of the 30 provinces.

Women and minorities confront no serious legal impediments to political participation; however, the percentage of women and minorities in government and politics does not correspond to their percentage of the population. By law parties must reserve 33 percent of positions for women on their lists of candidates for the Chamber of Deputies and for city councils (there is no quota for Senators); however, the parties often place women so low on the lists as to make their election difficult or impossible. With the election of former Senator Milagros Ortiz-Bosch to the vice-presidency, only 1 woman serves in the 30-member Senate; women hold 24 seats in the 149-member Chamber of Deputies. Women continue to be represented in appointed positions, albeit to a limited degree. The President of the Chamber of Deputies is a woman, as are two cabinet secretaries. Women fill 5 of the 16 seats on the Supreme Court.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Nongovernmental human rights organizations generally operate freely without government interference. In addition to the Dominican Human Rights Committee, the National Human Rights Commission, and the nongovernmental Truth Commission (addressing the Narciso Gonzalez case), several Haitian, church, women's, and labor groups exist.

In 2000 the Government established reform commissions for the police and armed forces that allowed limited civil society or NGO representation. The Police Reform Commission drafted legislation that was submitted to Congress, which still was pending at year's end (see Section 1.a.).

In February Congress passed a law creating a human rights ombudsman's office, although selection of the individual to fill the position still was pending at year's end. The Chamber of Deputies is to choose three candidates, and the Senate is to make the final selection of the Ombudsman. The law provides that the Ombudsman is appointed for 6 years, with authority over public sector issues involving human rights, the environment, women's issues, youth issues, and consumer protection. Congress did not approve legislation to create a special prosecutor for human rights abuses, but it is expected to be reintroduced.

Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The law prohibits discrimination based on race and sex; however, such discrimination exists, and the

Government seldom acknowledges its existence or makes efforts to combat it.

Women

Domestic violence is widespread. NGO's estimate that 40 percent of women and children are the subject of domestic violence. Under the 1997 Law Against Domestic Violence, the State can prosecute for rape, incest, sexual aggression, and other forms of domestic violence. Penalties for these crimes range from 1 year to 30 years in prison and carry fines ranging from \$30 to \$6,000 (500 to 100,000 pesos). The Secretariat of Women, as well as various NGO's, have outreach programs on domestic violence and legal rights. The Government's center in Villa Juana (Santo Domingo) for the legal support and forensic examination of abused women handles over 100 cases per day. Due to the success of this first center, the Government has opened five additional centers. There are still no shelters for battered women.

Rape is a serious problem and is believed to be widely underreported. From January through August, the Santo Domingo district attorney's office received 1,004 reports of rape or sexual violation in the National District. The penalties for committing rape are 10 to 15 years in prison and a fine of \$6,000 to \$12,000 (100,000 to 200,000 pesos). The State can prosecute a suspect for rape even if the victim does not file charges. This law also allows a rape victim to press charges against her husband without having her marriage annulled. Victims often do not report cases of rape because of fear of social stigma, as well as the perception that the police and the judiciary would fail to provide redress. The police are reluctant to handle rape cases and often encourage victims to seek assistance from NGO's.

The law prohibits sexual harassment in the workplace, but the law is not enforced, and sexual harassment is widespread.

Prostitution is illegal; however, the Government does not enforce vigorously prostitution laws, except in cases involving child prostitution and international trafficking in women and girls, which is a serious problem (see Section 6.f.). Sex tourism is a growing industry throughout the country as the number of international visitors increases. NGO's have ongoing HIV/AIDS and sexually transmitted disease prevention programs for male and female prostitutes, hotel and industrial zone workers, and other high-risk groups. The Domestic Violence Law prohibits acting as an intermediary in a transaction of prostitution, and the Government has used the law to prosecute third parties that derive profit from prostitution.

Divorce is easily obtainable by either spouse, and women can hold property in their own names apart from their husbands. Traditionally, women have not shared equal social and economic status or opportunity with men, and men hold the majority of leadership positions in all sectors. In many instances, women are paid less than men in jobs of equal content and equal skill level. Some employers reportedly give pregnancy tests to women before hiring them, as part of a required medical examination. Union leaders and human rights advocates report that pregnant women often are not hired.

Children

Despite the existence of government institutions dedicated to child welfare, private social and religious organizations carry the principal burden. The Oversight Organization for the Protection of Children, created by the executive branch, is the primary government institution covering issues of child welfare. It carried out community information campaigns on children's rights, including the prevention of child abuse, child labor, and family violence. It also provided training to persons and groups providing social services to children, judicial officials, and other children's advocates. Private institutions receive 35 to 40 percent of the budget of the Oversight Organization. The Mejia Government created a new Ministry of Youth soon after the election. The Ministry operates programs on drug prevention and HIV/AIDS awareness.

The 1994 Minor's Code requires 8 years of formal education. Children of Haitian descent experience difficulties attending school due to their lack of official status. The Oversight Organization works with NGO's, law enforcement personnel, and the general public to publicize children's rights. In the National District, the Department of Family and Children, in the Office of the Prosecutor, administers the Minor's Code and arranges conciliation of family conflicts to execute court decisions with respect to child protection, and to interview children whose rights have been violated.

Abuse, including physical, sexual, and psychological, is the most serious human rights violation affecting children. The Department of Family and Children estimates that 50 percent of the children in the country are victims of some sort of abuse, although few such cases reach the courts. In the majority of the cases, the accused is a person close to the child: A father, grandfather, uncle, brother, cousin, or close family friend. The criminal law provision on sexual abuse and intrafamily violence provides for a penalty of 10 to 20 years

incarceration and a fine of \$6,600 to \$13,200 (108,000 to 216,000 pesos) for persons found guilty of sexual abuse of a minor, and up to 30 years if the victim is a family member of the abuser.

The Minor's Code contains provisions against child abuse, including physical and emotional mistreatment, sexual exploitation, and child labor. It also provides for removal of a mistreated child to a protective environment. According to local monitors, instances of child abuse were underreported because of traditional beliefs that family problems should be dealt with inside the family. However, child abuse is receiving increasing public attention.

The Ministry of Health gave conservative estimates that, from January through June, there were 412 deliveries by female adolescents under age 15 and 8,313 deliveries by adolescents between the ages of 15 and 19. This information is preliminary and conservative in light of 2000 statistics, which estimated deliveries by adolescents below age 15 at 1,395 and by adolescents from 15 to 19 at 26,409 for that full year. Some of these pregnancies were reported to be the result of rape or incest, and the mothers often have sexually transmitted diseases.

Sexual exploitation of children is a problem. Some in the tourist industry have facilitated the sexual exploitation of children; particular areas of concern are Boca Chica and Puerto Plata. Tours are marketed by foreigners overseas with the understanding that boys and girls can be found as sex partners. In July the National Prosecutor's Office and the Association of Hotels signed an agreement to combat the exploitation of children in the tourist industry. Journalists reported that the majority of prostitutes in brothels around the National District appeared to be between 16 and 18 years of age. There are several church-run shelters that provide refuge to children who escape prostitution. Prostitution is the principal area of exploitation of underage girls in the informal economy.

Poor adolescent girls and boys sometimes are enticed into performing sexual acts by the promise of food or clothing; sometimes they are forced into unsafe relationships with strangers by the need for money. Once involved, they may be held against their will by individuals who sell their sexual favors to others. Some of these minors are lured from their parental homes; others are already on the street.

Trafficking in children is a serious problem (see Section 6.f.).

The judicial system sometimes fails to protect the status of minors in criminal cases (see Sections 1.c. and 1.e.). In 1997 the Government began to implement the 1994 Minor's Code, laying the groundwork for a juvenile court system. The Supreme Court inaugurated the first of 11 juvenile courts in 1999 and chose judges for the other 10 courts, some of which were functioning by year's end. Although these juvenile courts are organized with a focus on rehabilitating offenders, very few social services are available for minors. In practice, juveniles are detained in excess of the time permitted by law and then are sent to jail rather than referred for rehabilitative services. There are legal advocates especially for juveniles in Santo Domingo and La Vega to provide them with representation in delinquency cases. Human rights monitors reported numerous cases of sexual abuse of minors in Najayo prison (see Section 1.c.).

Child labor is a serious problem (see Section 6.d.). It is not uncommon for minors to be put on the street to fend for themselves as younger siblings claim the parent's meager resources. Homeless children called "palomas" (doves) are frequently at the mercy of adults who collect them and put them to work begging and selling fruit, flowers, and other goods on the street. In return for their work they are given basic housing. The ages at which these children work, the hours they work, and their failure to comply with compulsory school attendance all violate the law, but the Government has not been able to combat this practice.

Persons with Disabilities

Persons with disabilities encounter discrimination in employment and in the provision of other services. Although the law provides for physical access for persons with disabilities to all new public and private buildings, the authorities have not enforced this law uniformly. There is a Subsecretariat for Rehabilitation under the Ministry of Public Health, a recreation center for persons with disabilities in Las Caobas, and a department in the Sports Ministry to facilitate athletic competition for such persons. However, there is little consciousness of the need to make the daily lives of persons with disabilities safer and more convenient. For example, new street construction makes few provisions for such persons to cross the streets safely.

The Dominican Rehabilitation Association (ADR) has 17 affiliates throughout the country and provides services for 2,500 persons daily. The Government provides about 30 percent of the ADR's budget.

Discrimination against persons with mental illness is common, and there are few resources dedicated to the

mentally ill.

National/Racial/Ethnic Minorities

A strong prejudice against Haitians exists and disadvantages many Haitians and Dominicans of Haitian ancestry, as well as other foreigners of African descent (see Sections 1.d. and 2.d.). The Government rarely has acknowledged the existence of this discrimination. Darker-skinned Dominicans also face informal barriers to social and economic advancement. Local human rights organizations have reported on and criticized police roundups of Haitian and Dominican-Haitian workers (see Section 1.d.).

Efforts to stem the influx of Haitian immigrants have made it more difficult for those Haitians already in the country to live peacefully. Police regulations threaten those offering transportation to illegal immigrants with confiscation of their vehicles and have discouraged taxi and bus drivers from picking up dark-skinned persons. In roundups of illegal immigrants, authorities pick up and expel darker Dominicans as well as legal Haitian residents (see Section 1.d.). For example, in May the army mistakenly deported four Dominicans after they were arrested in Higüey.

Perhaps 500,000 Haitian immigrants—or 7 percent of the country's population—live in shantytowns or sugar cane work camps, in harsh conditions with limited or no electricity, running water, or schooling. There are estimates that as many as 1 million Haitians live in the country. Human rights groups regularly charge the Government with unlawful deportations of, and police brutality toward, these legal and illegal immigrants (see Sections 1.c., 1.d., and 2.d.).

The Government refuses to recognize and document as Dominican citizens many individuals of Haitian ancestry born in the country. The Government regards undocumented Haitians living in the country as "in transit" and therefore not entitled to the constitutional right of citizenship through birth in the Dominican Republic. Since many Haitian parents have never possessed documentation for their own birth, they are unable to demonstrate their own citizenship. As a result, they cannot declare their children's births at the civil registry and thereby establish Dominican citizenship for their offspring. Some civil registry offices do not accept late declarations of birth for children of Haitian immigrants, although they routinely accept late declarations for children of Dominican parents.

Haitian parents encounter difficulties registering their children for school. Lack of documentation usually deprives children of Haitian descent of the opportunity to attend school where there is one available. Some parents fail to seek documentation due to fear of being deported. It falls to the discretion of public school principals whether children may attend, when immigrant parents have no identity cards or birth certificates to register children formally. Even when permitted to attend primary school, it is rare that the children of Haitian parents progress beyond sixth grade.

In July Secretary of Education and Vice President Milagros Ortiz-Bosch announced that all children would be allowed to enroll in school through the eighth grade, whether or not they had a birth certificate. The Secretariat of Education subsequently announced it had signed an agreement with the Central Elections Commission to facilitate the acquiring of birth certificates for parents who could produce identity cards in order that all children would have birth certificates to enroll in school. NGO's reported that higher numbers of Haitian children enrolled in school during the year.

Sometimes poor Haitian families arrange for Dominican families to "adopt" and employ their children. The adopting parents can simply register a child of any age as their own. In exchange, the parents receive monetary payment or a supply of clothes and food. They believe that this ensures their children a more promising future. In many cases, adoptive parents do not treat the adoptees as full family members and expect them to work in the households or family businesses rather than attend school. The effect is a kind of indentured servitude, at least until the young person reaches majority (see Section 6.c.). There were reports that Haitian girls between the ages of 10 and 14 were the most sought after, especially in border areas.

In April the authorities detained hundreds of Haitians after a rumor spread that some Haitian youths had burned a Dominican flag in La Romana (see Section 1.d.). The rumor also sparked a wave of violence in the general population, resulting in several injuries to Haitians.

The Government is doing little to improve the conditions of Haitian immigrants. Most social services in shantytowns are provided by NGO's and other relief organizations.

Section 6 Worker Rights

a. The Right of Association

The Constitution provides for the freedom to organize labor unions, and all workers, except the military and the police, are free to organize. Organized labor represents an estimated 10 percent of the work force and is divided among four major confederations and a number of independent unions. There are 3,506 registered unions in the country, but it is estimated that 60 percent are inactive. The 1992 Labor Code provides extensive protection for worker rights and specifies the steps legally required to establish a union, federation, or confederation. The code calls for automatic recognition of a union if the Government has not acted on its application within 30 days. In practice, the Government readily facilitates recognition of labor organizations.

The Government generally respects association rights and places no obstacles to union registration, affiliation, or the ability to engage in legal strikes. However, enforcement of labor laws is sometimes unreliable, inhibiting employees from freely exercising their rights.

Unions are independent of the Government and generally independent of political parties. The law forbidding companies to fire union organizers or members is enforced selectively, and penalties are insufficient to deter employers from violating worker rights. There were reports of widespread discreet intimidation by employers in an effort to prevent union activity, especially in the Free Trade Zones (see Section 6.b.).

The Constitution provides for the right of workers to strike (and for private sector employers to lock out workers). Requirements for calling a strike include the support of an absolute majority of all company workers whether unionized or not, a prior attempt to resolve the conflict through mediation, written notification to the Ministry of Labor, and a 10-day waiting period following notification before proceeding with the strike. There were no significant strikes during the year. The Government sometimes responded with force to disperse demonstrations in support of strikes (see Section 2.b.).

The 1999 case involving employees of the FTZ company D & P Handbag in Santiago still was pending before a labor court in Santiago at year's end. The 1999 case involving the Han Chang company was settled through mediation. The employees received a settlement but were not reinstated. The company did not lose its export license. The International Confederation of Free Trade Unions reported that, in the same FTZ, employers distributed a blacklist among companies to prevent these workers from finding other jobs.

In March 2000, the Caribbean Sugar Producer's Consortium laid off 150 workers at its sugar mill in Consuelo in retaliation for having formed a trade union. A court order succeeded in getting the majority of the workers reinstated, and those persons received some compensation for the period during which the workers were unemployed. Those who were not reinstated still had not received compensation at year's end.

Labor unions can and do affiliate freely regionally and internationally.

b. The Right to Organize and Bargain Collectively

Collective bargaining is legal and may take place in firms in which a union has gained the support of an absolute majority of the workers. Only a minority of companies have collective bargaining pacts, and the International Labor Organization (ILO) considers the requirements for collective bargaining rights to be excessive and finds that in many cases they could impede collective bargaining. The Labor Code stipulates that workers cannot be dismissed because of their trade union membership or activities; however, in practice, workers sometimes are fired because of their union activities.

The Labor Code establishes a system of labor courts for dealing with disputes. While cases do make their way through the labor courts, enforcement of judgments is sometimes unreliable.

The Labor Code applies in the 40 established FTZ's, which employ approximately 200,000 workers, mostly women. Workplace regulations and their enforcement in the FTZ's do not differ from those in the country at large, although working conditions are sometimes better, and the pay is sometimes higher. There were reports of widespread discreet intimidation by employers in the FTZ's in an effort to prevent union activity. Unions in the FTZ's report that their members hesitate to discuss union activity at work, even during break time, due to fear of losing their jobs. Some FTZ companies have been accused of discharging workers who attempt to organize unions, but there also have been reports of union organizers extorting money from business owners. In the FTZ's, while there may be as many as 10 collective bargaining agreements on paper, only 3 actually are functioning. The majority of the unions in the FTZ's are affiliated with the National Federation of Free Trade Zone Workers (FENATRAZONA) or the United Federation of Free Trade Zone Workers. FENATRAZONA estimates that only 3 percent of the workers in the FTZ's are unionized.

Many of the major manufacturers in the FTZ's have voluntary "codes of conduct" that provide for protection against forced labor, freedom of association, freedom from discrimination, and prohibit the use of child labor. They also call for a workplace that is safe and healthy. However, workers rarely have heard of such codes, or the principles they set out. Mandatory overtime is a common practice, and it is occasionally enforced through locked doors or loss of pay or jobs for those who refuse (see Section 6.c.).

c. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor, including that performed by children; however, such practices still exist in the adult worker population and among children in the informal sector. Young children "adopted" by families work under a kind of indentured servitude, and homeless children are made to beg by adults (see Section 5). Trafficking in women and children, particularly for purposes of prostitution, is also a problem (see Section 6.f.).

The FENATRAZONA noted that mandatory overtime in the FTZ factories is a common practice. Workers also reported that their employers locked factory doors with chains so they could not leave, and took incentive pay away from or fired those who refused to work overtime. For example, many companies use an incentive system in which a team of 12 to 15 persons is given a quota to fill by the end of the week, in order to receive extra benefits. Most teams are unable to fill the quota to receive the benefits and are not paid overtime pay for the extra time they put in to attempt to fill the quota. Union officials state that newly hired workers are not informed that overtime is optional.

The Association for the Development of Women and the Environment reported an increase of forced adult labor in the sugar industry in the shantytowns of La Jagua, Sabana Grande de Boya, and Los Jovillos. Field guards reportedly kept workers' clothes and documents to prevent them from leaving. Employers also withheld wages to keep workers in the fields.

d. Status of Child Labor Practices and Minimum Age for

Employment

The Labor Code prohibits employment of children under 14 years of age and places restrictions on the employment of children under the age of 16; however, child labor is a serious problem. Restrictions for children between the ages of 14 and 16 include limiting the daily number of working hours to 6, prohibiting employment in dangerous occupations or in establishments serving alcohol, and limiting nighttime work. A company could face legal sanctions and fines if caught employing underage children. Children between the ages of 14 and 16 may work in apprenticeship and artistic programs. A national child labor survey released in October reported that an estimated 17.7 percent of children between the ages of 5 and 17 are engaged in some form of child labor.

The high level of unemployment and lack of a social safety net create pressures on families to allow or encourage children to earn supplemental income (see Section 5). Tens of thousands of children begin working before the age of 14. Child labor takes place primarily in the informal economy, small businesses, clandestine factories, and prostitution. Conditions in clandestine factories are generally poor, unsanitary, and often dangerous. The Government has attempted to eliminate the use of children for cutting sugar cane; however, there are still reports that poor Haitian and Dominican children accompany their parents to work in the cane fields, with the tacit acceptance of sugar companies. Also, human rights groups report an increase in the number of undocumented Haitian 14- and 15-year-olds working in the cane fields.

Sexual exploitation of children is a problem (see Section 5).

On December 15, 2000, the Government ratified ILO Convention 182 on elimination of the worst forms of child labor. The Ministry of Labor, in collaboration with the ILO's Program on the Eradication of Child Labor, and other international labor rights organizations, has implemented programs to combat child labor. These include the national child labor survey and a program to remove children from dangerous agricultural work in San Jose de Ocoa, Constanza, and Azua. The Constanza program removed over 550 children, twice as many as the targeted number, from work in hazardous agriculture, and placed them in schools.

The law prohibits forced or compulsory labor by children; however, such practices persist in the informal sector, and trafficking in girls is a serious problem (see Sections 6.c. and 6.f.). There were no reports of forced child labor in the formal sector.

e. Acceptable Conditions of Work

The Constitution empowers the executive branch to set minimum wage levels, and the Labor Code assigns this task to a national salary committee. Congress also may enact minimum wage legislation. The minimum monthly salary is \$152 (2,490 pesos) in the FTZ's and \$208 (3,416) outside the FTZ's. The minimum wage does not provide a decent standard of living for a worker and family. It only provides approximately one-third of the income necessary to sustain an average family. The national poverty level, which is based on a basket of goods and services consumed by a typical family, is \$402 (6,607 pesos) per month for a family of five.

The Labor Code establishes a standard work period of 8 hours per day and 44 hours per week. The code also stipulates that all workers are entitled to 36 hours of uninterrupted rest each week. In practice, a typical workweek is Monday through Friday plus a half day on Saturday, but longer hours are common. The code grants workers a 35 percent differential for work totaling between 44 hours to 68 hours per week and double time for any hours above 68 hours per week. Overtime is mandatory at some firms in the FTZ's (see Section 6.c.).

Conditions for agricultural workers are poor, especially in the sugar industry. Most sugar cane worker villages lack schools, medical facilities, running water, and sewage systems, and have high rates of disease. On sugar plantations, cane cutters usually are paid by the weight of cane cut rather than the hours worked. Employers often do not provide trucks to transport the newly cut cane at the conclusion of the workday, causing workers to receive lower compensation because the cane dries and weighs less.

When the cane is weighed, workers are given tickets indicating the weight of cane cut (often rounded in favor of the employer) and the amount of money due. These tickets, issued to a specific person but payable to the bearer, may be turned in to the employer and redeemed for cash every 2 weeks. Many cane cutters earn less than \$4.00 (60 pesos) per day. Because workers earn so little and sometimes cannot wait until payday to redeem their tickets, an informal barter system has evolved in which the tickets also are used to purchase items at private stores located on the plantations. These private stores make change by giving back a combination of tickets and cash. However, it is not unusual for these stores to retain 10 percent of the cash due a customer.

The Dominican Human Rights Committee and shantytown residents report that conditions of work for cane workers have deteriorated since the industry was privatized in 1999. Workers reportedly are paid less, work longer hours, and have fewer benefits, according to the committee. While child labor in the sugar industry had decreased significantly, according to human rights advocates and labor federations, it still exists and increased slightly during the past year (see Section 6.d.).

The Dominican Social Security Institute (IDSS) sets workplace safety and health conditions. During the year, Congress passed a new Social Security law that expanded coverage of the social security programs. Approximately 13,000 employees work in the IDSS bureaucracy to support fewer than 20,000 retirees.

Both the IDSS and the Ministry of Labor have small corps of inspectors charged with enforcing standards. The Secretariat of Labor has 250 inspectors who seek to improve sanitation, health care, and safety for workers. Included in this number is a smaller, specialized corps (eight in Santo Domingo) of inspectors for the FTZ's. Inspector positions customarily are filled through political patronage, and bribes from businesses are common. In practice workers cannot remove themselves from hazardous working situations without jeopardizing employment.

f. Trafficking in Persons

The law prohibits trafficking in persons; however, trafficking in women and children from, to, and within the country remains a serious problem. Women 18 to 25 years of age are at the highest risk for being trafficked. According to a report released in July by the International Organization for Migration (IOM), principal destination countries are in Europe and Latin America, including Spain, Italy, the Netherlands, Switzerland, Germany, Greece, Belgium, Curacao, San Martin, Aruba, Panama, Venezuela, and Argentina. Women are trafficked to the United States, although in smaller numbers. Within the country, there is a serious problem of prostitution of minors, primarily in the tourist areas (see Section 5). Women and children also are trafficked from Haiti and often are forced to beg in the streets.

Poor Haitian and Dominican parents sometimes arrange for more prosperous Dominican families to "adopt" their children, in exchange for money or goods; such children often are expected to work long hours and are vulnerable to sexual abuse (see Section 5).

The Directorate of Migration estimates that there are approximately 400 rings of alien-smugglers, traffickers, and purveyors of false documents operating within the country. These individuals profit by facilitating the

trafficking of women to Europe and the Eastern Caribbean under false pretenses and for purposes of prostitution.

The Director of Migration stated that individual members of Migration, the armed forces, or National Police who facilitate, condone, or are complicit in trafficking activities or migrant smuggling are investigated and fired or prosecuted when appropriate. NGO's have reported corruption among the military and migration border officials, and noted that these officials sometimes cooperate with the transit of Haitian workers into the country to work on sugar plantations and construction sites (see Sections 2.d. and 6.d.).

In 1996 the Government created the Interinstitutional Committee for the Protection of Migrant Women (CIPROM), which is composed of representatives from government entities and NGO's. CIPROM was inactive until February, when it began meeting regularly. In April the Secretary of Women signed an agreement with the IOM to help them design a comprehensive plan to combat trafficking. During the year, CIPROM and the IOM began an information campaign aimed at potential victims of traffickers.

One NGO, the Center for Integral Orientation and Investigation (COIN), counsels women planning to accept job offers in Europe and the eastern Caribbean about immigration, health, and other issues including the dangers of trafficking, forced prostitution, and domestic servitude. The program also provides services to returning women. COIN administers the Center for Health and Migration Information for Migrant Women that carries out community education campaigns in high risk areas on various issues, including citizenship, legal work requirements, dangers of trafficking, forced prostitution, and domestic servitude.

Several laws prohibit trafficking in persons. According to the law against alien smugglers, persons involved in planning, financing, facilitating, or organizing the illegal transportation of persons into or out of the Dominican Republic shall be imprisoned for a period of 3 to 10 years and fined \$600 to \$3,000 (10,000 to 50,000 pesos). The law further states that if death results from the illegal transportation of persons, the smuggler shall be imprisoned for a period of at least 20 years, but not to exceed 30 years. In addition, a law specifically targets trafficking of persons for prostitution. The law imposes jail terms of 2 to 10 years and fines of up to \$6,000 (100,000 pesos) for traffickers involved in the promotion of prostitution. Laws dealing with domestic violence, as well as the Minor's Code, create protection under both civil and criminal law against particular situations that may be conducive to, or acts that may be a part of, the traffic in persons, whether female or male, minors or adults. The law also prohibits acting as an intermediary in a transaction of prostitution, and the Government has used this law to prosecute third parties that derive profit from prostitution.

The Government prosecuted several trafficking rings during the year. In April the National Department of Investigations dismantled a trafficking ring that was trafficking women to Curacao and San Martin. The women, who reportedly paid from \$420 to \$600 (7,000 to 10,000 pesos) for visas and transport, were held for prosecution. In May the police shut down a prostitution ring in Boca Chica, arresting seven foreigners.

The Oversight Organization for the Protection of Children coordinates the approaches of various agencies involved in combating trafficking in children. This organization works with the Attorney General's office, the Public Health Ministry, Migration, and other agencies. In the National District, the Department of Family and Children in the Office of Public Prosecutor focuses on identifying children who are victims of abuse and prosecutes offenders under heightened penalties contained in the domestic violence law.

A primary concern of the Oversight Organization is preventing abuse of the child adoption process by those intending to sell or exploit children through prostitution or child pornography. The Department of Family and Children is very concerned about kidnappings, especially of infants, for sale to foreigners who deliberately have sidestepped legal formalities--including those of their own country. The Government seeks to protect children from being victimized by those who would adopt them. Many children leave the country as adoptees, but government officials have made such adoptions much more difficult and, they hope, have prevented would-be traffickers from abusing the system.

The Government does not have services for assisting trafficking victims such as temporary or permanent residency status, relief from deportation, shelter, or access to legal, medical and psychological services. Trafficking victims detained generally are deported. COIN provides an information hot line and offers psychological, legal, and health counseling to returning women.